

10/748,932

REMARKS

Claims 4 and 6 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Meredith et al '897. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the above amendments and following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(b), the cited reference must disclose each and every feature of the presently claimed invention. In view of the Examiner's remarks discussed in detail below, the Applicant has amended independent Claim 4 to more specifically recite and clarify the features of the presently claimed invention which are not disclosed, taught or suggested in any manner by the Meredith et al '897. The claims now recite in part the clarifying features of, "...the saw head compartment having an access door that

< pivots about a vertical pivot axis between an open position swinging outwardly away

< from the saw head compartment and a closed position...", and "... the at least one

< contact member protruding a pre-set distance from the inside surface of the access

< door in both the open position and the closed position...." .

The Examiner has identified blade guard 20 as being an equivalent of a saw head compartment for saw blade 18. It is noted that blade guard 20 has a fixed upper guard 40 and a movable lower guard 42. The Applicant has amended the claim to specify that the saw head compartment is stationary, as is fixed upper guard 40.

< Specifically claim 1 recites "a stationary saw head compartment of a delimbing machine..."

The Examiner has identified arbor shaft cover 63, which is secured to fixed upper guard 40 as being an equivalent of an access door. The Examiner has stated that arbor shaft cover 66 pivots about a vertical pivot axis. It is noted that arbor shaft cover 66 pivots about pivot fastener 67. It is respectfully submitted that pivot fastener 67

TREC-3:28 PM

10/748,932

provides a horizontal pivot axis, as opposed to a vertical pivot axis (see Fig. 1 and Fig. 11). To clear up any possible ambiguity, the Applicant has specified that in the open position the access door swings outwardly away from the saw head compartment as now specifically recited in claim 4.

The Examiner has identified saw blade 18 as being movable between a lowered cutting position and a raised retracted position. The Applicant respectfully disagrees with this analysis, as the positioning of saw blade 18 at all times remains fixed relative to upper guard 40 and access door 66. However, in order to clarify this aspect of the present invention, the Applicant has, therefore, amended the claim to specify that, "the
< circular saw blade being vertically movable relative to the saw head compartment and
< the access door between a lowered cutting position and a raised retracted position...".

The Examiner has also identified retaining fastener 69 as being an equivalent of a contact member and states that retaining fastener 69 is "radially inwardly from a lower circumferential edge of the saw blade 18." It is respectfully submitted that retaining fastener 69 extends through upper guard 40 at the height of the rotational axis of saw blade 18 and is, therefore, not positioned anywhere near the "lower circumferential edge" of saw blade 18. The Applicant has, therefore, amended the claim
< to specify such positioning as "...radially inwardly at the lower circumferential peripheral
edge of the circular saw blade when in a retracted position within the saw head compartment...", rather than the more ambiguous term of "radial inwardly from".

The Examiner has identified retaining fastener 69 as being mounted to the "inside surface of the access door". It is noted that retaining fastener 69 extends through upper guard 40. It must be retracted in order to become disengaged from upper guard 40. In contrast the at least one contact member of the present invention protrudes a pre-set distance from the inside surface as the access door moves between

7/6/2005 3:47 PM

10/748,932

the open position and the closed position. The Applicant has, therefore, amended the claim to specify that the contact member protrudes a pre-set distance from the inside surface of the access door in both the open position and the closed position.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation rejection should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Meredith et al. reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

7/6/2005 3:28 PM

- 6 -

10/748,932

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com